

### Remarks

In view of the above amendments and the following remarks, favorable reconsideration of the outstanding office action is respectfully requested.

Attached hereto is a page entitled "Version of Markings to Show Changes Made."

Claims 6-8 and 10-14 remain in this application. Claim 6 has been amended. Claim 9 has been previously canceled. No new claims have been added. Claims 1-5 have previously been withdrawn from consideration.

#### **1. § 112 Rejections**

The Examiner has rejected claims 6-8 and 10-14 under 35 U.S.C. § 112, first paragraph, as being containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed, had possession of the claimed invention. In particular, Examiner has stated there is a lack of support for "at least two interconnected tubular sections."

The Examiner has further rejected claims 6-8 and 10-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

To overcome the Examiner's 112 rejections, Applicant's attorney has deleted the term "interconnected" leaving only the term "separate." According to Merriam Webster, the term "separate" means the following:

**sepa·rate:** set or kept apart; not shared with another; estranged  
from a parent body <separate churches>; existing by itself;  
dissimilar in nature or identity; distinct.

Claim 6, as amended now reads: "at least two *separate, stacked* generally tubular axial segments." This amended language overcomes the 112 issues as its scope is now readily ascertainable and is supported in the specification. In order to comply with the written description requirement, the specification "need not describe the claimed subject matter in exactly the same terms as used in the claims; it must simply indicate to persons skilled in the art that as of the filing date the applicant had invented what is now claimed." Eiselstein v. Frank, 52 F.3d 1035, 1038, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995). Here, support for the amendment can be found on page 6, lines 26-29, and page 8, line 12-16.

Examiner should note that the words of the claims themselves define the scope of the invention, and are given their ordinary and customary meaning. In particular, determining whether a claim is definite requires an analysis of whether one skilled in the art would understand the bounds of the claim when read in light of the specification. If the claims read in light of the specification reasonably apprise those skilled in the art of the scope of the invention, Section 112 demands no more. It is well settled that dictionaries may be used to determine ordinary and customary meanings of words. Accordingly, the claims rejections are overcome.

## 2. § 103 Rejections

The Examiner has rejected claims 6 and 10-14 under 35 U.S.C. § 103 as being unpatentable for obviousness over European Patent No. 464613 (Ohga). Particularly, Examiner asserts that Ohga discloses the invention at col. 5, line 19 and figure 1. Examiner has further rejected claims 7-8 and 12 under 35 U.S.C. § 103 as being unpatentable for obviousness over European Patent No. 464613 (Ohga), as applied to claim 6 and further in view of U.S. Patent No. 3,925,557 (Fatzer).

The Examiner asserts that it would have been obvious to use the Fatzer method of creating the Ohga coated muffle for the improved characteristics the Fatzer method has.

As amended, claim 6 distinguished Ohga. Nowhere in Ohga does it teach or suggest that the muffle tube should be formed having high purity coating and at least two separate, stacked generally tubular axial segments. Examiner indicates that one could arbitrarily carve up the Ohga tube to have a top, middle and bottom third wherein the top and bottom (arbitrary) sections are then separate. This construction is not only unreasonable but flies in the face of its ordinary meaning (See definition above). The Examiner must not ascribe a meaning to a term that is not in accordance with its broadest reasonable interpretation (*emphasis on reasonable*). Since constructing the muffle to have multiple separate, stacked segments is neither taught or suggested in Ohga, the rejection thereof must be withdrawn. Claims 7-8 and 10-14 are allowable for at least these reasons.

## 3. Conclusion

Based upon the above amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 6-8 and 10-14 and a prompt Notice of Allowance thereon.

Applicant believes that a two month extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,

CORNING INCORPORATED



Randall S. Wayland  
Registration No. 36,303  
Corning Incorporated  
Patent Department  
Mail Stop SP-TI-03-1  
Corning, NY 14831

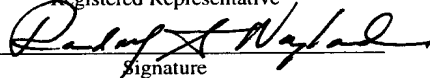
Date: 2/5/03

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8:** I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Asst. Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

2/5/03  
Date of Deposit

Randall S. Wayland

Name of applicant, assignee, or  
Registered Representative



Signature

2/5/03

Date of Signature



VERSION OF MARKINGS TO SHOW CHANGES MADE

6. (third amendment) A method for producing a waveguide fiber in a draw furnace including a graphite, generally tubular muffle having an inner surface comprising the steps of:

providing a high purity silicon carbide coating on the inner surface of the graphite muffle wherein the high purity silicon carbide coating contains less than about 900 parts per billion of impurities and the muffle comprises at least two separate, **[interconnected]** stacked generally tubular axial segments **[sections]**;

disposing waveguide fiber preform in the muffle;

heating the furnace to a temperature sufficient to draw fiber from the preform and drawing fiber from the preform

RECEIVED  
FEB 14 2003  
TC 1700